UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

OWNER-OPERATOR INDEPENDENT DRIVER'S ASSOCIATION, INC., et al.,)	
Plaintiffs,)	
VS.)	Case No. 4:06-CV-219 (JCH)
UNITED VAN LINES, LLC, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

The matter is before the Court on Plaintiffs' Renewed Motion for Voluntary Dismissal with Prejudice (Doc. No. 93), filed October 19, 2007. Defendant United Van Lines, LLC ("United") does not object to this motion, but asks that the dismissal contain three conditions. (Resp., Doc. No. 96). It asks that the Complaint be dismissed with prejudice, that its Counterclaim be dismissed without prejudice, and that it be awarded costs. (Id.). Plaintiffs do not object to the first two conditions, but "request the opportunity to receive and evaluate Defendant's bill of costs and [to] respond accordingly at that time." (Reply, Doc. No. 97).

The Court denied Plaintiffs' previous motion for voluntary dismissal due to its concerns about the class allegations in the Complaint. (Order of April 24, 2007, Doc. No. 85). The Court later struck the class allegations because Plaintiffs failed to file a motion for class certification. (Order of July 27, 2007, Doc. No. 89). As such, the Court will allow the voluntary dismissal with prejudice of Plaintiffs' Complaint and the dismissal without prejudice of United's Counterclaim. Finally, United may move for costs in this matter. See Droste v. Julian, 477 F.3d 1030, 1036 (8th Cir. 2007). Plaintiffs, however, are free to file a timely response to any bill of costs filed with the Court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Renewed Motion for Voluntary Dismissal (Doc.

No. 93) is **GRANTED** and Plaintiffs' Claims are **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that Defendants' Counterclaims are DISMISSED without

prejudice. A separate order of dismissal will accompany this order.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Extend Mediation Deadlines (Doc.

No. 95) is **DENIED** as moot.

Dated this 6th day of November, 2007.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE